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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			EXAMINER TRAORE, FATOUMATA	
			ART UNIT 2436	PAPER NUMBER
			MAIL DATE 04/30/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/808,273

Applicant(s)

NODA ET AL.

Examiner

FATOUMATA TRAORE

Art Unit

2436

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-18 and 20-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-18 and 20-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the amendment filed January 16, 2009. Claims 1 and 20-22 have been amended. Claims 1-10, 12-18 and 20-28 are pending and have been considered below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 20-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 recites the following limitation: *authenticating the recording medium to confirm that the recording medium is an authorized copy, wherein authentication is based on a comparison of the first and second sets of unique data acquired in the data acquisition steps*". It is unclear to the examiner if the first s and second set of unique data are compared against each other or if the first and second set of unique data are compared against some external data. For examination purpose only the examiner will interpret the first and second set of unique to be compared against each other.

Response to Arguments

4. Applicant's arguments with respect to claims 1-10, 12-18 and 20-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 8-10, and 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sako et al (US 2005/0099897) in view Matsumoto (US 2003/0063544).

Claims 1 and 20, 21, and 22: Sako et al discloses a method , an optical disk and a computer readable medium for authenticating a recording medium, the method comprising the steps of:

- i. acquiring, from the recording medium, a first set of a first type of unique data that is recorded on an information track on the recording medium in accordance with a predetermined rule(paragraph [0014]));
- ii. acquiring, from the recording medium, a second set of the first type of unique data that is recorded on the recording medium in accordance with the predetermined rule(paragraph [0014]);and
- iii. Authenticating the recording medium based on a comparison of the first and second sets of unique data acquired in the data acquisition steps(paragraphs [0014], [0064], and [0165]).

Sako et al does not explicitly disclose that said first and second sets of the first type of unique are recording in accordance with a predetermined rule. However, Matsumoto discloses an optical disk write method, which further discloses that :

said first and second sets of the first type of unique data are recording in accordance with a predetermined rule (paragraphs [0040]-[0043]).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Sako et al such as to recording the unique data according to predetermined rule. One would have been motivated to do so in order to provide an optical disk recording method in which the recording is performed with a good balance between recording quality level and necessary time even with variation of a situation and condition concerning the recording and a preferable recording can thus be performed in accordance with the variable situation or condition (column 2, lines 49-54) as taught by Matsumoko (paragraph [0009]).

Claim 2: Sako et al and Matsumoko disclose a method for authenticating a recording medium as in claim 1 above, and Matsumoko further discloses wherein the predetermined rule assigns respective values to the first and second sets of unique data, each of the values is based on a respective one of a plurality of different types of recording methods, and the respective one of the recording methods is used to record each of the first and second sets of unique data (paragraphs [0040]-[0043]). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Sako et al such as to include in the unique data information specifying recording a recording method. One would have been motivated to do so in order to provide an optical disk recording method in which the recording is performed with a good balance between recording quality level and necessary time even with variation of a situation and condition concerning the recording and a preferable

recording can thus be performed in accordance with the variable situation or condition (column 2, lines 49-54) as taught by Matsumoko(paragraph [0009]).

Claim 3: Sako et al and Matsumoko disclose a method for authenticating a recording medium as in claim 2 above, and Matsumoko further discloses wherein the plurality of types of recording methods comprises an uninterrupted recording method an incremental recording method (paragraphs [0040]-[0043]). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Sako et al such as to identify type of recording method. One would have been motivated to do so in order to provide an optical disk recording method in which the recording is performed with a good balance between recording quality level and necessary time even with variation of a situation and condition concerning the recording and a preferable recording can thus be performed in accordance with the variable situation or condition (column 2, lines 49-54) as taught by Matsumoko(paragraph [0009]).

Claim 4: : Sako et al and Matsumoko disclose a method for authenticating a recording medium as in claim 3 above, and Matsumoko further discloses wherein the uninterrupted recording method is a track at once recording method and the incremental recording method is a packet write recording method(paragraphs [0040]-[0043]). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Sako et al such as to identify the type of recording method. One would have been motivated to do so in order to provide an optical disk recording method in which the recording is performed with a good balance between

recording quality level and necessary time even with variation of a situation and condition concerning the recording and a preferable recording can thus be performed in accordance with the variable situation or condition (column 2, lines 49-54) as taught by Matsumoko(paragraph [0009]).

Claim 5: Sako et al and Matsumoko disclose a method for authenticating a recording medium as in claim 2 above, and Sako et al further discloses wherein the first set of unique data comprises information for identifying the type of recording method used to record the first and second sets of unique data(paragraph [0013]).

Claim 8: : Sako et al and Matsumoko disclose a method for authenticating a recording medium as in claim 1 above, and Matsumoko further discloses wherein the first and second sets of unique data each comprises data recorded within a predetermined size packet (paragraphs [0040]-[0043]). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Sako e such as to identify the type of recording method. One would have been motivated to do so in order to provide an optical disk write method using a packet write method , wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeuchi.

Claim 9: Sako et al and Matsumoko disclose a method of authenticating a recording medium as in claim 1 above, and Sako et al further discloses

- iv. acquiring, from the recording medium, a first set of a second type of unique data that is recorded on another information track on the recording medium in accordance with the predetermined rule(paragraph [0013]);

- v. acquiring, from the recording medium, a second set of the second type of unique data that is recorded on the recording medium in accordance with the predetermined rule (paragraph[0013]); and
- vi. authenticating the recording medium based on a comparison of the first and second sets of the second type of unique data acquired in the data acquisition steps(paragraph [0013]);

In addition, Matsumoko further discloses

wherein the first type of unique data comprises data that is recorded in one of multiple sessions, and the second type of unique data comprises data that is recorded in another one of the multiple sessions(paragraphs [0040]-[0043]).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Sako et al such as to record data in multiple sessions. One would have been motivated to do so in order to provide an optical disk recording method in which the recording is performed with a good balance between recording quality level and necessary time even with variation of a situation and condition concerning the recording and a preferable recording can thus be performed in accordance with the variable situation or condition (column 2, lines 49-54) as taught by Matsumoko(paragraph [0009]).

Claim 10: Sako et al and Matsumoko disclose a method for authenticating a recording medium as in claim 1 above, and Matsumoko further discloses wherein the first and second sets of unique data each comprises data that is recorded in a variable size packet(paragraphs [0040]-[0043]). Therefore, it would have been obvious to one having

ordinary skills in the art at the time the invention was made to modify the teaching of Sako et al such as to record data in variable size packet. One would have been motivated to do so in order to provide an optical disk recording method in which the recording is performed with a good balance between recording quality level and necessary time even with variation of a situation and condition concerning the recording and a preferable recording can thus be performed in accordance with the variable situation or condition (column 2, lines 49-54) as taught by Matsumoko(paragraph [0009]).

Claims 23, 24, 25 and 26: : Sako et al and Matsumoko disclose a method, an optical disk, a computer readable medium for authenticating a recording medium as in claims 1, 20, 21 and 22 above, and Sako et al further discloses wherein the second set of unique data is recorded on the information track(paragraph [0031]).

Claims 27 and 28: : Sako et al and Matsumoko disclose a computer readable medium and optical disk drive for authenticating a recording medium as in claims 21 and 22 above, and Matsumoko further discloses wherein said first and second sets of the first type of unique data include information specifying a recording method(paragraphs [0040]-[0043]). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Sako et al such as to identify the type of recording method One would have been motivated to do so in order to provide an optical disk recording method in which the recording is performed with a good balance between recording quality level and necessary time even with variation of a situation and condition concerning the recording and a preferable recording can thus be

performed in accordance with the variable situation or condition (column 2, lines 49-54) as taught by Matsumoko(paragraph [0009]).

7. Claims 6, 7 and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sako et al (US 2005/0099897) in view Matsumoto (US 2003/0063544).

Claim 6: Sako et al and Matsumoko disclose a method for authenticating a recording medium as in claim 1 above, while neither of them explicitly discloses wherein the second set of unique data comprises at least one of data in a track descriptor unit and data in a sub-code control. Takeuchi discloses wherein the second set of unique data comprises at least one of data in a track descriptor unit and data in a sub-code control(column 7, lines 36-50). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Sako et al and Matsumoko such as to identify the type of recording method. One would have been motivated to do so in order to provide an optical disk write method using a packet write method , wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeuchi.

Claim 7: Sako et al and Matsumoko disclose a method for authenticating a recording medium as in claim 1 above, while neither of them explicitly disclose a step of acquiring from the recording medium, a third set of the first type of unique data comprising data within a runout portion of the information track . Takeuchi further discloses a step of acquiring from the recording medium, a third set of the first type of unique data comprising data within a runout portion of the information track (column 7, lines 5-15);

and Sako et al further discloses authenticating the recording medium based on a comparison of the third set of unique data with a predetermined value (paragraph [0014]). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Sako et al and Matsumoko such as to identify the type of recording method. One would have been motivated to do so in order to provide an optical disk write method using a packet write method, wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeuchi.

Claim 12: Sako et al and Matsumoko disclose a method for authenticating a recording medium as in claim 10 above, while neither of them explicitly disclose wherein the recording medium has, in a first session, a second track as a dummy track not present in the ISO 9660 file system and wherein the information track comprises a lead in area and a program memory area. Takeuchi discloses wherein the recording medium has, in a first session, a second track as a dummy track not present in the ISO 9660 file system and wherein the information track comprises a lead in area and a program memory area (column 6, lines 55-60). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Sako et al and Matsumoko such as to include a lead in area and a program area. One would have been motivated to do so in order to provide an optical disk write method using a packet write method, wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeuchi.

Claim 13: Sako et al, Matsumoko and Takeuchi disclose a method for authenticating a recording medium as in claim 12 above, and Takeuchi further discloses wherein the first set of unique data comprises track information (column 12, lines 20-33). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Sako et al and Matsumoko such as to include track information. One would have been motivated to do so in order to provide an optical disk write method using a packet write method, wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeuchi.

Claim 14: Sako et al, Matsumoko and Takeuchi disclose a method for authenticating a recording medium as in claim 13 above, and Takeuchi further discloses, wherein the track information identifies a recording method of the track (column 4, lines 30-45). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Sako et al and Matsumoko such as to identify the type of recording method. One would have been motivated to do so in order to provide an optical disk write method using a packet write method, wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeuchi.

Claim 15: Sako et al, Matsumoko and Takeuchi disclose a method for authenticating a recording medium as in claim 13 above, and Takeuchi further discloses wherein the track information identifies a recording position of the track (column 11, lines 18-30). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Sako et al and Matsumoko such as to

identify the type of recording method. One would have been motivated to do so in order to provide an optical disk write method using a packet write method , wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeuchi.

Claim 16: Sako et al and Matsumoko and Takeuchi disclose a method for authenticating a recording medium as in claim 12 above, and Matsukimo further discloses wherein the recording medium records data in multiple sessions (paragraphs [0040]-[0043]). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Hashimoto such as to record data in multiple sessions. One would have been motivated to do so in order to provide an optical disk write method using a packet write method , wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeuchi.

Claim 17: Sako et al, Matsumoko and Takeuchi disclose a method for authenticating a recording medium as in claim 16 above, and Takeuchi further discloses wherein the information track comprises a program memory area and a second track that is additionally recorded(column 16, lines 15-32). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Sako et al and Matsumoko such as to include a program area. One would have been motivated to do so in order to provide an optical disk write method using a packet write method , wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeuchi.

Claim 18: Sako et al, Matsumoko and Takeuchi disclose a method for authenticating a recording medium as in claim 17 above, and Sako et al further discloses wherein the unique data of the second track that is additionally recorded comprises a disk ID(paragraphs [0014]-[0064]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fatoumata Traore whose telephone number is (571) 270-1685. The examiner can normally be reached Monday through Thursday from 7:00 a.m. to 4:00 p.m. and every other Friday from 7:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nassar G. Moazzami, can be reached on (571) 272 4195. The fax phone number for Formal or Official faxes to Technology Center 2100 is (571) 273-8300. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 270-2685.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-2100.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Monday, April 27, 2009

/F. T./

Examiner, Art Unit 2436

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2436